
**EMPLOYMENT PROBLEMS THAT FREQUENTLY OCCUR BETWEEN WORKERS AND WORK WORKED
WITH INCORRECT REWARDS OR PAYMENT**

Cahyo Angger Marwadi¹, Arsyad Fakhri Zainuddin², Devani Yasmin Tarisyah³

¹ Muhammadiyah University of Surakarta (C100200241@student.ums.ac.id)

² Muhammadiyah University of Surakarta (c100200244@student.ums.ac.id)

³ Muhammadiyah University of Surakarta (c100200279@student.ums.ac.id)

ABSTRACT

Discusses the problems faced by workers/laborers in Indonesia. To establish a harmonious relationship between workers and employers who provide employment opportunities for workers. Structurally, the workers are subordinated in determining everything. This position is used for the parties who hire to the detriment. This finally makes the workers want to uphold justice for them in the form of freedom in obtaining the rights they should be able to get. Good as treatment and wages for workers or workers. Even though there are not a few entrepreneurs who give good treatment to the workers, there are also many entrepreneurs who only care about the work of the workers by not paying attention to the interests of the workers, especially in Indonesia today. Therefore, if there is a problem between the entrepreneur and the worker/laborer, it should be resolved in a peaceful manner and also in a way that is in accordance with the legal rules for workers. Employers should also be able to listen more to the aspirations expressed by the workers in order to achieve mutual justice as well.

Keywords : worker, labor, laborer, entrepreneur, freedom

PRELIMINARY**1. Research Problems**

Workers are people who are of sufficient age or age to work. According to Law No. 13 of 2003 Chapter I Article 1 paragraph (2), it is stated that the workforce is everyone who is able to do work to produce goods or services both to meet the needs of themselves and for others or many people. Residents are classified as workers if they have reached the age that they should or are eligible to work, which is around 15-64 years when it comes to the workforce in Indonesia. But there are also many people who think that the appropriate age to do work to earn a living or earn money to live a life is when you have reached the age of 18 years and over, it can be 18, 19, 20, 21, and so on. But, During this time, labor problems that often occur are:

1. The number of job opportunities with the existing workforce is not balanced.

A large population will produce a large workforce. A large workforce if it can be utilized properly will be able to increase economic activity which in turn will improve the welfare of the community.

2. Relatively low human resource capacity.

The low capacity of human resources is related to the level of education which is one of the factors that affect the quality of the Indonesian workforce. Due to the low level of education, Indonesian workers lack knowledge and technology mastery. As a result, the amount of production produced is low while the production costs are high.

The problem that is quite crucial and triggers worker/labor dissatisfaction is the factor of work wages. Although this work wage has been determined by the amount of the Regional Minimum Wage (UMR), but often disputes still occur, due to non-compliance in fulfilling the commitments/work contracts. On the one hand, the company is required to provide wages according to the minimum wage, but the ability and capacity of workers is still relatively low with the risk that the products produced as a result of work do not meet specifications so they cannot compete in marketing. This non-compliance can also be caused by the company violating commitments. This is where legal protection is needed for workers/ laborers.

2. Insights and Troubleshooting Plans

Law No. 13 of 2003 stipulates that the use of the term worker is always accompanied by the term labor which indicates that in this Law, the two terms have the same meaning. In Article 1 point 3 it is stated that Worker/labor, namely: "everyone who works by receiving wages or other forms of remuneration". From this understanding, it can be seen that there are several inherent elements of the term worker/labor, namely:

1. Everyone who works (in the labor force or not in the workforce but must work).
2. Receiving wages or remuneration as remuneration for the performance of the work.
3. Under the orders of the employer, under the orders of the state or government.
4. Not under the orders of others at the risk of being borne alone (entrepreneur, employer, entrepreneur).

The main objective of labor law is the implementation of social justice in labor and this implementation is carried out by protecting workers from unlimited power from the employer. The subject of labor law is a person consisting of workers and employers. Employment problems are the main problems that must be faced by developing countries such as Indonesia. The increasing population without being followed by an increase in employment opportunities has always been a trigger for the proliferation of unemployment. Manpower development has many dimensions and interrelationships with various parties, namely between the government, employers, and workers or laborers. Therefore, manpower development is carried out in an integrated manner in the form of mutually supportive cooperation. The welfare of the community is the main and important problem to be solved. The level of poverty in a country can be seen from the large number of unemployed people. This is due to the existence of unemployment, productivity, and people's income will decrease so that it can lead to poverty. The very high unemployment rate is due to the fact that the number of labor force is not proportional to the number of existing jobs. In 2005, Indonesia was ranked 133 in the world with a percentage of 12.5% unemployment. and people's income will

decrease so that it can cause poverty. The unemployment rate is very high because the number of labor force is not proportional to the number of existing jobs. In 2005, Indonesia was ranked 133 in the world with a percentage of 12.5% unemployment. and people's income will decrease so that it can cause poverty. The unemployment rate is very high because the number of labor force is not proportional to the number of existing jobs. In 2005, Indonesia was ranked 133 in the world with a percentage of 12.5% unemployment.

3. Formulation of Research Objectives and Benefits

The purpose of making the article written by the following author, wants to know what kinds of problems are actually felt by workers or workers in Indonesia when doing their work, whether it is for the needs of the results they are doing or from working in businesses. owned by entrepreneurs or entrepreneurs who create jobs for these workers or workers. And it turns out that quite a lot from the point of view of the world of Indonesian labor, almost all Indonesian people feel the same problem as some other workers. There are those who complain in terms of improper treatment, there are also those who feel the lack of wages they get, and there are still many complaints from workers in Indonesia. Therefore, the benefits of this research, in order to provide a way for workers to get proper rights as workers. After all, workers or labor are also humans and people who need a decent life. And hopefully with the making of this research, it can have a positive impact on the world of labor in Indonesia with the help of Indonesian labor law.

RESEARCH METHODS

The research methodology used is a qualitative method which emphasizes the observation of the phenomenon and examines the substance of the meaning of the phenomenon. The analysis and sharpness of qualitative research is greatly affected by the strength of the words and sentences used. Qualitative research is research that prioritizes the problem of process and meaning/perception, where this research is expected to reveal various qualitative information with careful and meaningful description-analysis, which also does not reject quantitative information in the form of numbers or amounts. In each object will be seen tendencies, patterns of thought, irregularities, as well as behavioral displays and their integration as in the genetic case study (Muhadjir, 1996: 243). Understanding and recognizing the characteristics of qualitative research will make it easier for researchers to take the right direction and path, both in choosing research topics, compiling proposals, conducting data collection, analysis, and also developing study reports. In the development of qualitative research which is increasingly rich in variety, This research has flexibility in its form and strategy. The creations of qualitative thinkers and researchers in various fields that are relatively new to this researcher, allow the formulation of their characteristics not to be definitive (Sutopo, 1996).

In qualitative research it is necessary to emphasize the importance of proximity to people and research situations, so that researchers gain a clear understanding of reality and real-life conditions (Patton, 1980). A qualitative approach is a research and understanding process based on a methodology that investigates a social phenomenon and human problem.

DISCUSSION

1. Industrial Relations Disputes in Labor Law in Indonesia

Generally, industrial relations disputes arise because of differences of opinion that lead to conflict. Whether it is experienced by entrepreneurs or a combination of entrepreneurs with workers or workers. Nor between fellow labor unions or labor unions within the same company. A clearer definition is contained in Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes. The intended industrial relations dispute is regarding "differences of opinion that cause conflict between entrepreneurs or a combination of employers and workers/laborers or trade unions/labor unions due to disputes related to rights, disputes over interests, disputes regarding termination of employment and disputes between trade unions/labor unions. within the company".

2. Common Types of Industrial Relations Disputes in Indonesia

Literally the types of disputes regarding industrial relations that often occur in Indonesia, among others:

a. Rights Dispute

Rights disputes arise due to non-fulfillment of rights, as well as differences in the implementation and interpretation of statutory regulations, irregularities in work agreements, company regulations, and cooperation agreements.

b. Dispute of Interest

This conflict of interest occurs in a work relationship that does not have a congruence of opinion. Especially regarding the manufacture, changes to certain conditions listed in the work agreement or PKB (collective work agreement) and PP (company regulations). For example, salary increases, food allowance, transportation, and other fund premiums.

c. Termination Dispute (PHK)

There is a dispute because the company or entrepreneur terminates the employment relationship (PHK). Usually occurs as a result of inappropriate opinions in terminating the employment relationship of only one party. For example, the difference in the calculation of severance pay received by workers or laborers based on the Manpower Act and company regulations.

d. Disputes Between Trade Unions or Workers in One Company

Disputes between trade unions and workers generally occur within the same company. In many cases this is due to disagreements about membership, the obligations of union members, and the exercise of rights.

3. Procedures for Settlement of Disputes in Industrial Relations in Indonesia according to Indonesian Manpower Law

In industrial relations, it does not only look at the substantial (material) aspect. Procedural or formal aspects will also be considered. It is the same with the procedure for resolving industrial relations disputes as explained below.

a. Bipartite Negotiations

Negotiations are carried out between entrepreneurs or a combination of entrepreneurs and labor unions. If no agreement is found, the parties to the dispute will continue tripartite

negotiations. Meanwhile, if both parties agree, a collective agreement will be made and registered with the Industrial Relations Court where the company is located.

b. Tripartite Negotiations

Negotiations are carried out by workers with employers which involve a facilitator, namely a third party. The stages of tripartite negotiations are as follows.

- Mediation

Settlement is carried out by means of deliberation led by one or more people. Usually involves a mediator from the Ministry of Manpower. If at this stage the parties obtain an agreement, then it is stated in a collective agreement and registered at the local Industrial Relations Court.

- Conciliation

Settlement is carried out by deliberation with a conciliator as mediator. The conciliator will try to reconcile the parties to reach a mutual agreement. If one of the parties does not agree, the conciliator will make a recommendation to be registered at the local Industrial Relations Court.

- Arbitration

It is a dispute settlement that is carried out outside the Industrial Relations Court. The path taken is by making a written agreement containing statements of the parties to resolve industrial relations disputes to the arbitrators. The arbitration award is final and binding on the disputing parties.

- Industrial Relations Court (PHI)

The parties who do not agree with and reject the suggestion of the mediator or conciliator will continue the dispute by filing a lawsuit to the Court of Justice. Based on Article 56 of Law Number 2 of 2004 concerning Dispute Settlement in Indonesia, the PHI has absolute competence in examining and deciding cases, including:

- At the first level about rights disputes
- At the first and last level regarding disputes of interest
- At the first level related to disputes over termination of employment (PHK)
- At the first and last level related to trade union or labor disputes that occur within a company

4. Termination of Employment (PHK) in Indonesian Manpower Law

Termination of Employment Relations (PHK) is regulated in Article 150 of the Manpower Law. Provisions regarding layoffs in this law include termination of employment that occurs in business entities that are legal entities or not, owned by individuals, owned by partnerships or owned by legal entities, both privately owned as well as state-owned, as well as social enterprises and other businesses that have management and employ other people by paying wages and other forms of remuneration. In principle, employers, workers/ laborers, trade unions/ labor unions, and the government must make every effort to prevent termination of employment.

5. Prohibition of Employers from Laying Off Related to Industrial Relations in Indonesia

In Article 153 of the Manpower Law, Employers are prohibited from terminating employment for the following reasons:

- a. the worker/labourer is unable to come to work due to illness according to a doctor's statement for a continuous period not exceeding 12 (twelve) months;

- b. workers/laborers are unable to carry out their work due to fulfilling obligations to the state in accordance with the provisions of the applicable laws and regulations;
- c. the worker/labourer performs the worship services ordered by his/her religion;
- d. married workers/laborers;
- e. female workers/laborers are pregnant, give birth, have an abortion, or breastfeed their babies;
- f. the worker/ laborer has blood ties and/or marital ties with other workers/ laborers in the same company, unless it has been stipulated in a work agreement, company regulations, or collective work agreement;
- g. workers/laborers establish, become members and/or administrators of trade unions/labor unions, workers/labourers carry out trade/labor union activities outside of working hours, or during working hours upon an agreement to do business, or based on the provisions stipulated in the work agreement, regulations company, or collective labor agreement;
- h. the worker/laborer who complains the entrepreneur to the authorities regarding the action of the entrepreneur who commits a criminal act;
- i. because of differences in understanding, religion, political sect, ethnicity, skin color, class, gender, physical condition, or marital status;
- j. the worker/labourer is permanently disabled, sick due to a work accident, or sick due to a work relationship which according to a doctor's certificate, the period of recovery has not been determined.

Termination of employment for reasons as referred to in paragraph (1) is null and void and the entrepreneur is obliged to re-employ the worker/laborer concerned.

6. Severance pay or remuneration for victims of layoffs in industrial relations in Indonesia

The Manpower Law regulates that workers who are laid off are entitled to severance pay. This is regulated in Article 156 of the Manpower Law. The calculation of severance pay as referred to in paragraph (1) shall at least be as follows:

- a. Working period of less than 1 (one) year, 1 (one) month wages;
- b. Working period of 1 (one) year or more but less than 2 (two) years, 2 (two) months of wages;
- c. Working period of 2 (three) years or more but less than 3 (three) years, 3 (three) months of wages;
- d. 3 (three) years or more but less than 4 (four) years, 4 (four) months wages;
- e. Working period of 4 (four) years or more but less than 5 (five) years, 5 (five) months of wages;
- f. Working period of 5 (five) years or more, but less than 6 (six) years, 6 (six) months of wages;
- g. Working period of 6 (six) or more but less than 7 (seven) years, 7 (seven) months of wages;
- h. Working period of 7 (seven) years or more but less than 8 (eight) years, 8 (eight) months of wages;
- i. Working period of 8 (eight) years or more, 9 (nine) months of wages.

Meanwhile, the calculation of the service award as referred to in paragraph (1) is determined as follows:

- a. working period of 3 (three) years or more but less than 6 (six) years, 2 (two) months of wages;
- b. working period of 6 (six) years or more but less than 9 (nine) years, 3 (three) months of wages;

- c. working period of 9 (nine) years or more but less than 12 (twelve) years, 4 (four) months of wages;
- d. working period of 12 (twelve) years or more but less than 15 (fifteen) years, 5 (five) months of wages;
- e. working period of 15 (fifteen) years or more but less than 18 (eighteen) years, 6 (six) months of wages;
- f. working period of 18 (eighteen) years or more but less than 21 (twenty one) years, 7 (seven) months of wages;
- g. working period of 21 (twenty one) years or more but less than 24 (twenty four) years, 8 (eight) months of wages;
- h. working period of 24 (twenty four) years or more, 10 (ten) months of wages.

As for the compensation money that should be received as referred to in paragraph (1):

- a. annual leave that has not been taken and has not yet fallen;
- b. the cost or cost of returning the worker/laborer and his/her family to the place where the worker/laborer is accepted to work;
- c. housing replacement as well as treatment and care are set at 15% (fifteen percent) of the severance pay and/or service award for those who meet the requirements;
- d. other matters stipulated in the employment agreement, company regulations or collective labor agreement.

Changes in the calculation of severance pay, the calculation of the reward for the service period, and the compensation for entitlements as referred to in paragraph (2), paragraph (3), and paragraph (4) shall be stipulated by a Government Regulation.

CONCLUSION

In the event of a dispute in industrial relations, the Trade Union/Labour Union has the function or role to participate in resolving the dispute in order to provide protection, defense of rights and interests, as well as to promote proper welfare for workers/laborers and their families. In Article 4 of Law Number 21 of 2000 concerning Trade Unions/Labour Unions, a Trade Union is an organization formed from, by, and for workers or laborers both inside and outside the company, which is free, open, independent, democratic and responsible for fighting for, defending and protecting the rights and interests of workers or laborers as well as improving the welfare of workers or laborers and their families. Not only fighting for and protecting the rights of workers, The labor union also functions as a bridge between the company and the workers, and the job of the union is also to maintain good relations between the union and the company or between the worker and the company. Therefore, the existence of a trade union can help workers to get their rights so that the welfare of workers and their families is guaranteed.

There is a dispute because the company or entrepreneur terminates the employment relationship (PHK). Usually occurs as a result of inappropriate opinions in terminating the employment relationship of only one party. For example, the difference in the calculation of

severance pay received by workers or laborers based on the Manpower Act and company regulations.

Termination of Employment Relations (PHK) is regulated in Article 150 of the Manpower Law. Provisions regarding layoffs in this law include termination of employment that occurs in business entities that are legal entities or not, owned by individuals, owned by partnerships or owned by legal entities, both privately owned as well as state-owned, as well as social enterprises and other businesses that have management and employ other people by paying wages and other forms of remuneration. In principle, employers, workers/ laborers, trade unions/ labor unions, and the government must make every effort to prevent termination of employment.

REFERENCES

- Moleong, L.J. 1999. Metodologi Penelitian Kualitatif. Bandung: Remaja Rosdakarya.
- Muhadjir, Noeng. 1996. Metodologi Penelitian Kualitatif. Yogyakarta: Rake Sarasin.
- Patton, M.Q. 1980. Qualitative Evaluation Methods. Beverly Hills, CA.: Sage Publication.
- Spradley, J.P. 1980. Participant Observation. New York, N.Y.: holt, Rinehart, and Winston.
- Sutopo, H.B. 1995. Kritik Seni Holistik Sebagai Model Pendekatan Penelitian Kualitatif. Surakarta: UNS Press. 11
- Sutopo, H.B. 1996: Metodologi Penelitian Kualitatif. Surakarta: Jurusan Seni Rupa Fakultas Sastra UNS.
- Waluyo, H.J. 2000. "Hermeneutik Sebagai Pusat Pendekatan Kualitatif", dalam Historika, No.11. Surakarta: PPS UNJ KPK UNS. Y
- Yin, R.K. 1987. Case Study Research: Design and Methods. Beverly Hills, CA: Sage Publication.
- www.talenta.co/blog/administrasi-hr/hukum-ketenagakerjaan-dan-hubungan-industrial-di-indonesia
- www.talenta.co/blog/insight-talenta/kenali-masalah-ketenagakerjaan-dan-cara-mengatasinya
- repository.uma.ac.id/bitstream/123456789/1571/6
- staff.uny.ac.id/sites/default/files/pengabdian/dr
- http://repository.uma.ac.id/bitstream/123456789/905/4/118400155_file4.pdf
- https://media.neliti.com/media/publications/27030-ID-suatu-tinjauan-tentang-tenaga-kerja_buruh-di-indonesia.pdf
- <https://www.tempo.co/tag/buruh-dan-permasalahannya>